

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

Before the Commissioner of Financial and Insurance Services

Michelle M. Turner,

Petitioner,

v

**Case No. 03-377-L
Docket No. 2003-1168**

**Office of Financial and Insurance
Services,**

Respondent.

For the Petitioner:

**Michelle M. Turner
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For the Respondent:

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**Issued and entered
this 3rd day of February 2004
by John R. Schoonmaker
Special Deputy Commissioner**

FINAL DECISION

The Administrative Law Judge issued a Proposal for Decision dated December 23, 2003. She recommended that the Commissioner affirm the denial of Petitioner's application for an individual resident insurance producer license. Neither party filed exceptions.

The factual findings in the PFD are in accordance with the preponderance of the evidence and the conclusions of law are supported by reasoned opinion. The PFD is attached, adopted, and made part of this final decision.

However, the view of the Administrative Law Judge that the misuse of the credit card, in and of itself, would not warrant denial of a license is not adopted. The misuse constituted a felony and showed her to be untrustworthy in connection with another person's money.

The Petitioner recognized the error, turning herself in right away, and returned the purchased goods. This attenuates the severity of the crime. Nonetheless, the Commissioner's duty is to protect the public in licensing matters. The Commissioner needs to be confident of the honesty of persons the Commissioner licenses.

Breach of fiduciary duty by a producer can lead to the permanent loss of premium moneys by consumers. It can also lead to coverage not being placed. This could bankrupt a family or business if a loss occurs.

Dishonesty is rooted in character. Where a felony involving money occurs, licensure should only be considered after the passage of several years and where the applicant has made a convincing demonstration of reform. This is borne out in this matter where the crime was committed in 2001 and the applicant proceeded to falsify her application in 2003.

II ORDER

Therefore, it is ORDERED that the denial of the license is affirmed.